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1

**PLANNING COMMISSION SITE PLAN
CONDITIONAL USE PERMIT REVIEW SHEET**

CASE NUMBER: SPC-2013-0169C **PLANNING COMMISSION DATE:** 12/10/2013

PROJECT NAME: Little Woodrow's – Burnet

PROPOSED USE: Cocktail lounge

ADDRESS OF APPLICATION: 5425 Burnet Road

AREA: 5,440 square feet, part of 0.738-acre tract

APPLICANT: Jimmy Nassour
3839 Bee Cave Road, Suite 200
Austin, TX 78746

AGENT: Joe Longaro
Longaro & Clarke, LP
3839 Bee Cave Road, Suite 150
Austin, TX 78746
(512) 306-0228

CASE MANAGER: Christine Barton-Holmes, LEED AP Telephone: 974-2788
christine.barton-holmes@austintexas.gov

EXISTING ZONING: CS-1-MU-V-CO-NP. The applicant is requesting a conditional use permit for a cocktail lounge within an existing restaurant, as well as the construction of an outdoor patio, and a variance for parking within 200' of residential uses.

PROPOSED DEVELOPMENT:

Construction of a new 657 sq ft deck/patio and a 1,830 sq. ft cocktail lounge use within an existing 4,753 sq. ft. building, with parking within 200' of residential uses.

Update for December 10, 2013 Hearing: Staff, neighborhood representatives, and the applicants met on November 1st and December 6th to discuss the variance and CUP requests. The applicants and neighborhood representatives continue to negotiate concerns related to noise and hours of operation.

DESCRIPTION OF VARIANCE:

Waiver request is as follows: LDC Section 25-5-146(B) As a condition of approval for a conditional use site plan, a parking area for a cocktail lounge or a restaurant with a late-hours permit must be separated from a property used or zoned townhouse and condominium residence (SF-6) district or more restrictive by not less than 200 feet unless:

- (1) The lounge or restaurant is located within an enclosed shopping center; or
- (2) The Land Use Commission grants a variance from this requirement when the Land Use Commission approves the site plan.

SUMMARY STAFF RECOMMENDATION: Staff recommends approval of the conditional

use permit and variance request. The site plan will comply with all requirements of the Land Development Code prior to its release.

PREVIOUS PLANNING COMMISSION ACTION: C14-2009-0055 – change in zoning from CS-MU-CO-NP to CS-MU-V-CO-NP; approved by Council 6-0 on September 7, 2009.
C14-2012-0097 – change in zoning from CS-MU-V-CO-NP to CS-1-MU-V-CO-NP; approved by Council 5-2 on February 28, 2013.

AREA STUDY: Brentwood/Highland Combined NPA

WATERSHED: Shoal Creek

APPLICABLE WATERSHED ORDINANCE: Current/ Comprehensive watershed ordinance

CAPITOL VIEW: Not in View Corridor

T.I.A.: Not Required

PROJECT INFORMATION:

ZONING: CS-1-MU-V-CO-NP

MAX. BLDG. COVERAGE: 95%

MAX. IMPERV. CVRG.: 95%

MAX HEIGHT: 60'

LIMITS OF CONSTRUCTION: 5,440 sq ft

PROPOSED BLDG. CVRG: 25.3%

PROPOSED IMP. CVRG: 94.7% - existing

PROPOSED HEIGHT: NA – existing single-story building

REQUIRED PARKING: 41

EXIST. USE: Office/retail

PROVIDED PARKING: 48

PROPOSED USE: Cocktail lounge

SUMMARY COMMENTS ON SITE PLAN:

Land Use: The applicant is requesting a conditional use permit to allow alcohol sales with a late hours permit at an existing building and two proposed deck/patios totaling 657 square feet, and parking within 200' of residential uses. The site is limited to a total area of 5,440 square feet of CS-1 uses per neighborhood agreement, with additional limitations imposed by parking compliance. The agreement as read into the Council minutes, included in the backup, also provides for screening and limited hours, to minimize the impact on adjacent single-family residential. Parking, which is existing, is located around the perimeter of the site. The parking adjacent to Clay Avenue will be signed "Employee Parking Only", to minimize the impact on that street. The rest of the parking is screened by buildings, or separated by Houston Street and Burnet Road, and other commercial uses, from the residential uses. The site plan will comply with all requirements of the Land Development Code and neighborhood agreement prior to its release. Staff recommends approval of the conditional use permit and variance request.

Environmental: The site is in the Shoal Creek watershed, which is within the Desired Development Zone. There is no increase in impervious coverage and no known Critical Environmental Features are located within the limits of construction.

Transportation: Current vehicular access is available from Burnet Road, Houston Street, and Clay Avenue. Employee-only parking is accessed from Clay Avenue. Parking is existing and available on site.

SURROUNDING CONDITIONS: Zoning/ Land use

North: CS-MU-V-CO-NP/CS-MU-CO-NP (Commercial retail, then warehousing)

East: CS-MU-CO-NP/SF-3-NP (Office/warehousing, Clay Ave, then single-family residential)

South: CS-MU-V-CO-NP (Houston St, then commercial retail & office)

West: CS-1-MU-V-CO-NP/CS-1 (Burnet Rd, then commercial, then single-family)

Street	R.O.W.	Surfacing	Classification
Burnet Rd	60'	40'	Major arterial
Houston St	50'	30'	City collector
Clay Ave	45'	30'	Local street

NEIGHBORHOOD ORGANIZATIONS:

Allandale Neighborhood Association
 Austin Heritage Tree Foundation
 Austin Independent School District
 Austin Monorail Project
 Austin Neighborhoods Council
 Bike Austin
 Brentwood Neighborhood Association
 Brentwood Neighborhood Plan Contact Team
 Central Austin Community Development
 Highland/Skyview Neighborhood Plan Contact Team
 Homeless Neighborhood Association
 North Austin Neighborhood Alliance
 Preservation Austin
 Real Estate Council of Austin, Inc
 SEL Texas
 Sierra Club, Austin Regional Group
 Super Duper Neighborhood Objectors and Appealers Organization
 Sustainable Neighborhoods
 5702 Wynona Neighbors

CONDITIONAL USE PERMIT REVIEW AND EVALUATION CRITERIA

The following evaluation is included to provide staff position on each point of the conditional use permit criteria. Section 25-5-145 of the Land Development Code states: "The Commission shall determine whether the proposed development or use of a conditional use site plan complies with the requirements of this section.

A conditional use site plan must:

- 1. Comply with the requirements of this title;** Staff response: This application complies with the requirements of this title.
- 2. Comply with the objectives and purposes of the zoning district;** Staff response: This application complies with the objectives and purposes of the zoning district.
- 3. Have building height, bulk, scale, setback, open space, landscaping, drainage, access, traffic circulation, and use that are compatible with the use of an abutting site;** Staff response: This application is compatible with the abutting sites in all of these cases. This application falls within the regulations of the cocktail lounge ordinance (LDC 25-2-808 (c)(1)) regarding cocktail lounges as a conditional use.
- 4. Provide adequate and convenient off-street parking and loading facilities;** Staff response: Adequate parking and loading facilities have been provided.

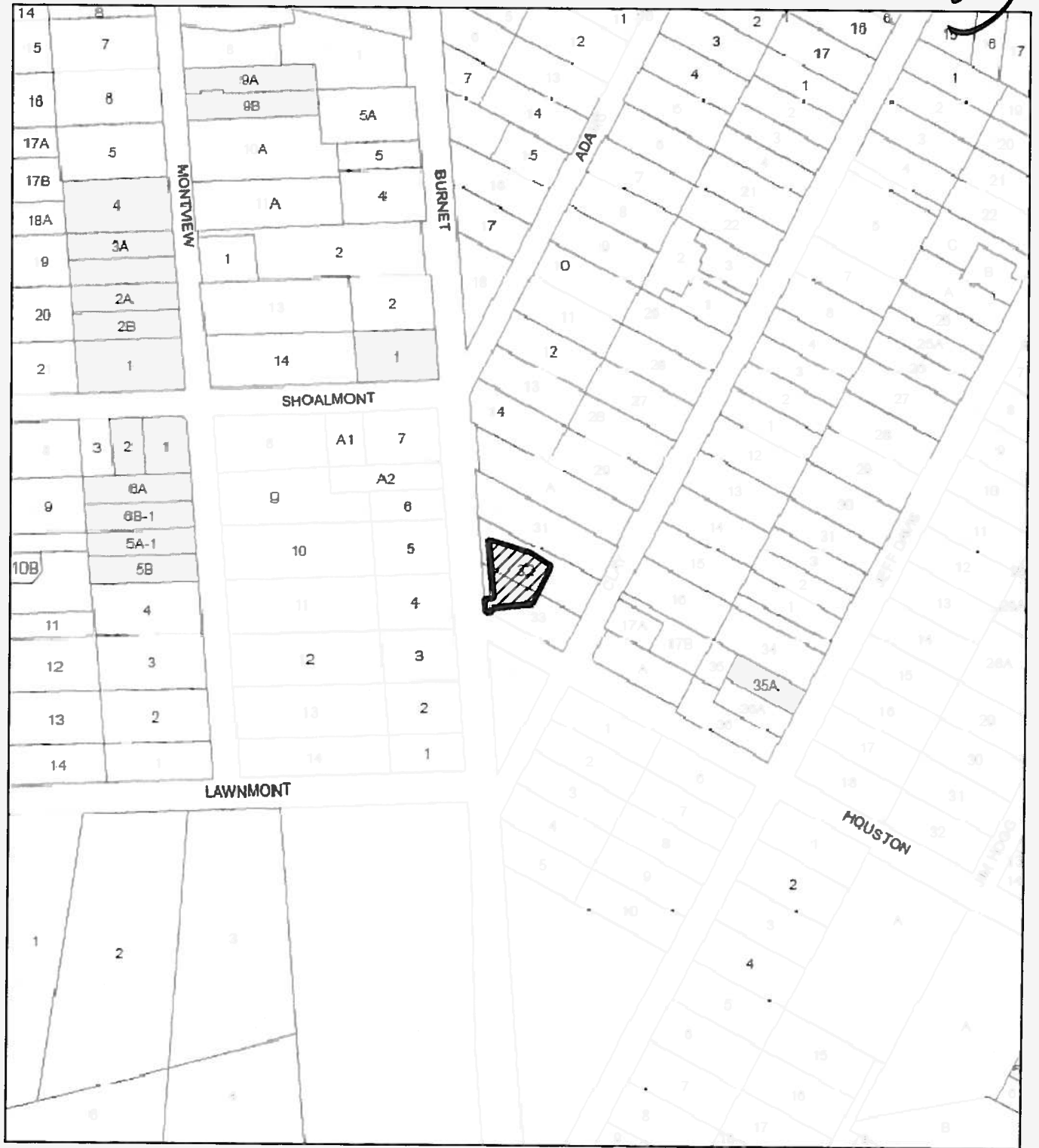
4

5. **Reasonably protect persons and property from erosion, flood, fire, noises, glare, and similar adverse effects;** Staff response: The proposed project does not contribute to any of these adverse effects.
6. **For conditional use located within the East Austin Overlay district, comply with the goals and objectives of a neighborhood plan adopted by the City Council for the area in which the use is proposed.** Staff response: The proposed project is not in the East Austin Overlay district.

A Conditional Use Site Plan May Not:

1. **More adversely affect an adjoining site than would a permitted use;** Staff response: The site plan will conform with all regulations and standards established by the Land Development Code. This proposed site plan does not more adversely affect an adjoining site than would a permitted use.
2. **Adversely affect the safety or convenience of vehicular or pedestrian circulation, including reasonably anticipated traffic and uses in the area;** Staff response: Access is limited into the site, and surrounding vehicular circulation in the area of the project is not anticipated to have any detriment to safety or convenience.
3. **Adversely affects an adjacent property or traffic control through the location, lighting, or type of signs;** Staff response: No signage or lighting is proposed that would affect adjacent properties or traffic control.

5



Subject Tract



Base Map

CASE#: SPC-2013-0196C
ADDRESS: 5425 Burnet Road



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by the Planning and Development Review Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

Move to approve 3rd reading with the following agreement between the neighborhood and the applicant:

9

1. The area to be designated CS-1 has been reduced to 5,440 square feet and the new metes and bounds description has been attached to the ordinance.

Items to be addressed at the conditional-use site plan phase by the planning commission include:

2. The total area that may be used by the applicant as a cocktail lounge must meet the land development code parking requirements. The neighborhood has not agreed to waive parking ratio requirements but has agreed to support the variance to permit parking within 200 feet of a residence zoned SF-6 or more restrictive.
3. "ONE WAY ONLY" OFF CLAY from the drive aisle on the north side of the buildings, running east (Clay) to west (Burnet);
4. EMPLOYEE PARKING ONLY: designate and add signage to the parking on the western boundary of the property, which is accessed from Clay (currently numbered spaces 45-52) as "employee parking only";
5. ADD GREEN SCREEN: build a green screen along boundary of the property where residential screening is desirable to create some buffering of residences on Clay and other near Brentwood residences, and
6. HOURS OF OPERATION: Reduce the closing hour of operation on Sunday through Wednesday to 12:00 A.M; on Thursday to 1:00 A.M. Fridays, Saturdays and holidays closing hour would remain 2:00 A.M.

Barton-Holmes, Christine

From: Alice Glasco <alice@agconsultingcompany.com>
Sent: Tuesday, November 12, 2013 1:27 PM
To: Barton-Holmes, Christine
Subject: FW: Little Woodrow's

10

Another one in support.

From: Keely Patridge <keely.patridge@gmail.com>
Date: November 12, 2013 12:53:21 PM CST
To: Rick Engel <rick@austinjava.com>
Subject: Little Woodrow's

Hi,

My name is Keely Patridge. I have lived in Brentwood (one block off of Burnet Road) for almost 7 years. Several months ago I saw some discussion on the neighborhood message board about Little Woodrow's opening on Burnet Road. I was happy that the city council granted the zoning required to allow Little Woodrow's to open at this nearby location. I look forward to being able to walk to Little Woodrow's along with many other new restaurants/bars opening in the area. It's exciting to see the area growing.

Thanks,
Keely
2011 B Romeria
Austin, TX

***on blood evidence alone there is a one out of 57 billion chance that OJ Simpson is innocent. 57 billion is approximately 10 times the current population of the world. OJ did it!!

Barton-Holmes, Christine

From: Alice Glasco <alice@agconsultingcompany.com>
Sent: Tuesday, November 12, 2013 11:41 AM
To: Barton-Holmes, Christine
Subject: Fwd: Little Woodrow's on Burnet

11

For your records.

Sent from my iPhone
512-626-4461

Begin forwarded message:

From: Rick Engel <rick@restaurantfreedom.com>
Date: November 12, 2013 10:56:38 AM CST
To: Alice Glasco <alice@agconsultingcompany.com>, 'Steve Portnoy' <steve.portnoy@gmail.com>
Subject: FW: Little Woodrow's on Burnet

Please forward to staff. Thank you

From: Tim Hayden [<mailto:tim.hayden.austin@gmail.com>]
Sent: Tuesday, November 12, 2013 10:13 AM
To: Rick Engel
Subject: Little Woodrow's on Burnet

Rick,

My family and I are thrilled to have one of our favorite downtown venues opening within walking distance to our home. The Little Woodrow's at 5425 Burnet Rd. is something my neighbors and I are excited to experience as part of our eclectic neighborhood.

Please let me know what we can do to support the opening of Little Woodrow's in Burnet!

Thank you,

Halea and Tim Hayden

6702 Hardy Drive

Austin, TX 78757

Tim Hayden

512.750.4066

@TheTimHayden

12

Sent from something wireless, most probably mobile...

Barton-Holmes, Christine

From: Alice Glasco <alice@agconsultingcompany.com>
Sent: Tuesday, November 12, 2013 12:14 PM
To: Barton-Holmes, Christine
Subject: Fwd: little Woodrow's

B

Another one.

Sent from my iPhone
512-626-4461

Begin forwarded message:

From: Rick Engel <rick@restaurantfreedom.com>
Date: November 12, 2013 9:51:59 AM CST
To: Alice Glasco <alice@agconsultingcompany.com>
Cc: Steve Portnoy <steve.portnoy@gmail.com>
Subject: Fwd: little Woodrow's

Sent from my iPhone

Begin forwarded message:

From: Brad Patridge <bradlee_13@yahoo.com>
Date: November 12, 2013 9:46:09 AM CST
To: Rick Engel <rick@restaurantfreedom.com>
Subject: little Woodrow's

Hi,

My name is Brad Patridge, and I live at 2011 Romeria #A, Austin, Tx.
I am very excited about having a Little Woodrow's in my neighborhood.

Sincerely,
Brad Patridge
512-623-9911

Sent from my iPhone

Barton-Holmes, Christine

From: Andrea E Pully <apully@sbcglobal.net>
Sent: Saturday, November 09, 2013 7:48 PM
To: Barton-Holmes, Christine
Subject: Fw: SPC-2013-0196C

14 ~~ES~~

----- Forwarded Message -----

From: Andrea E Pully <apully@sbcglobal.net>
To: "bc-Jean.Stevens@austintexas.gov" <bc-Jean.Stevens@austintexas.gov>
Sent: Saturday, November 9, 2013 7:43 PM
Subject: Fw: SPC-2013-0196C

----- Forwarded Message -----

From: Andrea E Pully <apully@sbcglobal.net>
To: "bc-Alfonso.Hernandez@austintexas.gov" <bc-Alfonso.Hernandez@austintexas.gov>
Sent: Saturday, November 9, 2013 7:43 PM
Subject: Fw: SPC-2013-0196C

----- Forwarded Message -----

From: Andrea E Pully <apully@sbcglobal.net>
To: "bc-Dave.Anderson@austintexas.gov" <bc-Dave.Anderson@austintexas.gov>
Sent: Saturday, November 9, 2013 7:42 PM
Subject: SPC-2013-0196C

----- Forwarded Message -----

From: Andrea E Pully <apully@sbcglobal.net>
To: "bc-Dave.Anderson@austintexas.gov" <bc-Dave.Anderson@austintexas.gov>
Sent: Saturday, November 9, 2013 7:40 PM
Subject:

This is in regards to the bar proposed to be located at the intersection of Burnet and Houston Street.

- 1.) Please revise Site Plan Note 24 of the Conditional Use site plan to indicate a midnight closing time for Thursday and a 1am closing time for Friday and Saturday.
- 2.) Prohibit all outdoor audio and/or visual equipment except those for personal and security activity after 8pm.
- 3.) Prohibit all live music.
- 4.) Close exterior openings of the building at 10pm.
- 5.) Limit outdoor trash and recycling activities to between 9am to 6pm.
- 6.) Require an on-site off-loading /loading zone to accommodate activities such as truck deliveries.

Please oppose the approval of the permit if the requests are not adequately addressed.

Thank you,

Barton-Holmes, Christine

From: Dan Breecker <dobreecker@yahoo.com>
Sent: Saturday, November 09, 2013 8:37 PM
To: Barton-Holmes, Christine
Cc: jaime
Subject: case # SPC-2013-0196C, bar at Burnet Road and Houston Street

Handwritten: #15

Dear Ms. Barton-Holmes,

I am writing to express my strong concern about the new bar proposed for the corner of Burnet Road and Houston Street, which is very close to my residence at 5404 Montview Street in Allandale (where I live with my wife, Jaime Barnes, and two children 3 & 5 yrs old). I have two primary concerns:

1) noise, especially late at night

Our neighborhood (and street) is currently very quiet at night (despite its proximity to Burnet Road) which makes it a desirable place to live. In my opinion, a quiet neighborhood bar would be welcome in such a location. It is a mistake, however, to allow a large bar, especially if the bar has a patio, and especially a bar whose owner is not willing to negotiate regarding outdoor noise restrictions, in such close proximity to a quiet neighborhood.

2) parking and traffic

Montview Street is only two blocks long where my family and I live. This was part of the reason we decided to buy a house here. There is minimal traffic and I consider our street to be a good, safe and quiet place to raise my kids. An influx of bar patrons parking on our street along with noise from an open-late outdoor space would fundamentally change the character of our neighborhood.

I want to make it clear that I am not opposed to a bar in general. I am however strongly opposed to a bar whose owner is unwilling to consider implementing responsible conditions to lessen impacts on the local community.

Austin is growing fast. Lets make sure its grows responsibly, sensibly and in the best way possible for its citizens.

Thank you for considering my concerns.

Please don't hesitate to contact me with questions or for clarifications

Dan Breecker

512-471-6166 (office)
505-270-0597 (cell)
512-382-5376 (home)

Barton-Holmes, Christine

From: Dale Henry <dlhenry@austin.rr.com>
Sent: Sunday, November 10, 2013 11:56 AM
To: Barton-Holmes, Christine
Cc: Anne Young; brentwood steering
Subject: Berntwood Neighborhood on Little Woodrow's SPC-2013-0196C

16

Christine,

The Brentwood Neighborhood Steering Committee voted to oppose the CUP for Little Woodrow's at 5425 Burnet Road. The reason we chose to oppose is the location is wrong for a bar. It is too close to neighbors homes. They will be impacted by the noise, parking, and traffic. A large part of the bar area is out doors and the noise will effect the families that live near the bar. The site dose not have enough parking to maintain their business, meaning that neighborhood streets will become Little Woodrow's parking. (Little Longhorn has more parking and their customers park on the neighborhood streets) Traffic will increase in the area during times of operation. The area along Brunet Road is growing and the neighborhoods will be impacted. However the neighborhoods need development that brings benefits to the area. A bar at 5425 Beret Road will not benefit the neighborhood. It is the wrong location for a bar.

If the Planning Commission decides to grant the CUP for Little Woodrow's, the Brentwood Neighborhood Steering Committee ask that the following is part of the site plan.

The office buildings in the Little Woodrow's parking area be used only for storage (as the owner has agreed) with limited parking for loading and unloading only.

Revise Site Plan Note 24 to indicate a midnight closing time for Thursday and a 1:00 a.m. closing time for Friday and Saturday. (The applicant keeps using his Barton Springs Road business as the best example of his work with neighborhoods, etc. Well, a neighbor just pointed out that the closing times at that location are MIDNIGHT on Sundays through THURSDAYS and 1:00 a.m. on FRIDAYS and SATURDAYS)

Prohibit all outdoor audio and/or visual equipment except those for personal and security purposes, excluding table management pagers.

Require high-quality security video of all Bar areas during all hours of operation, which will be retained for a minimum of four weeks

Prohibit all live music

Prohibit any outdoor noise-generating activity after 8:00 p.m.

Close exterior openings of the building at 10:30 p.m. (such as doors, windows, "garage doors", movable walls, etc.)

Limit outdoor trash and recycling activities (dumping, pick-up times, etc.) to between 9:00 a.m. and 6:00 p.m.

Require on-site off-loading/loading zone to accommodate truck deliveries and pick-ups

Barton-Holmes, Christine

17

From: Cynthia Keohane <cbkeohane@prodigy.net>
Sent: Sunday, November 10, 2013 7:13 PM
To: Anderson, Dave - BC; Hernandez, Alfonso - BC; Stevens, Jean - BC; Chimenti, Danette - BC; Jack, Jeff - BC; Nortey, James - BC; Oliver, Stephen - BC; Roark, Brian - BC; Smith, Myron - BC; mnrgatfield@live.com
Cc: Barton-Holmes, Christine
Subject: SPC-2013-0196C – Little Woodrow's on Burnet - please set restrictions

Dear Commissioners:

I support the list of conditions recommended by the Allandale Neighborhood Association Executive Committee for the proposed Little Woodrow's bar on Burnet Road.

The site is within several hundred feet of many Brentwood and Allandale homes. I am very concerned about the safety of the immediate neighbors, many of whom walk to HEB and nearby drugstores. I am also concerned about the impact to those of us on nearby neighborhood streets; studies have shown that drunk patrons often choose to drive on quiet neighborhood streets when leaving bars.

Please support the requested conditions or deny the request.

Best regards,
Cynthia Keohane, Wynona Avenue
Former President, Allandale Neighborhood Association

18

Barton-Holmes, Christine

From: Paulette Kern <paulettekern@sbcglobal.net>
Sent: Sunday, November 10, 2013 8:33 PM
To: Barton-Holmes, Christine
Subject: Little Woodrow's CUPCase #:SPC-2013-0196C

Dear Planning Commissioners,

Regarding the CUP process for the Little Woodrows proposed at 5425 Burnet Road, I was very concerned to learn of an attempted hijacking of the process at the final hour of the final reading of the zoning change. I was told at a meeting with COA staff and applicant representatives that conditions had already been agreed to and completed on the property at the zoning hearing. It is my understanding that the CUP is part of a process with a separate hearing and opportunity for input.

Austin's ordinance for conditional use (Ch.25-5-145) says that a conditional use may not "more adversely affect an adjoining site than would a permitted use" and may not "adversely affect the safety or convenience of vehicular or pedestrian circulation, including reasonably anticipated traffic and uses in the area". This use in this location cannot fulfill the above standards without severe restrictions.

After a meeting with City staff and the applicant, impacted neighbors worked together to generate a more comprehensive list of our requests. This list represents revised conditions and/or additional conditions that must be part of the Conditional Use Permit put forth for consideration by the Planning Commission. I ask that you **deny the CUP unless** the conditions below are included.

The concepts represented in this list were discussed at the Friday, Nov. 1, 2013 meeting with staff and applicant.

CUP requirements:

1. Revise Site Plan Note 24 to indicate a midnight closing time for Thursday and a 1:00 a.m. closing time for Friday and Saturday.

* The applicant presents his business on Barton Springs Drive as the best example of his willingness to work with neighbors. And the closing times for that location are consistent with those outlined in this revised condition.

LOCATION:

1530 Barton Springs Rd.

Austin, Texas 78704

HOURS:

Sunday - Thursday: 11am - 12am

Friday - Saturday: 11am - 1am

* Other business establishments within this section of Burnet Road have already agreed to eliminate 2:00 a.m. closing times. This revised condition also brings the proposed Little Woodrow's Bar into compliance.

19

2. Prohibit all outdoor audio and/or visual equipment except those for personal and/or security purposes.

3. Require high-quality security video of all Bar areas during all hours of operation, which will be retained for a minimum of four weeks

4. Prohibit all live music

* The applicant has stated on several occasions that this requirement is already part of the proposed CUP. This brings the CUP in line with his statements, while helping to address neighborhood noise concerns.

5. Prohibit any outdoor noise-generating activity after 8:00 p.m.

6. Close exterior openings of the building at 10:30 p.m. (such as doors, windows, "garage doors", movable walls, etc.), in support of City regulations

7. Limit outdoor trash and recycling activities (dumping, pick-up times, etc.) to between 9:00 a.m. and 6:00 p.m.

8. Require an on-site off-loading/loading zone to accommodate activities such as truck deliveries.

* We believe this is a City of Austin site plan requirement that was inadvertently overlooked until now.

Please help limit the detrimental effects of this use on this site for the citizen neighbors by adding the above conditions to the CUP on this business. The situation set up for the citizen residents with this business in this location is untenable and dangerous on this narrow section of Burnet Road. Please help us.

Thank you,

Paulette Kern
512-454-9166

Barton-Holmes, Christine

20

From: Anne Young <anne.young@aysite.net>
Sent: Monday, November 11, 2013 2:46 PM
To: Anderson, Dave - BC; Hernandez, Alfonso - BC; Stevens, Jean - BC; Chimenti, Danette - BC; Jack, Jeff - BC; Nortey, James - BC; Oliver, Stephen - BC; Roark, Brian - BC; Smith, Myron - BC
Cc: Barton-Holmes, Christine
Subject: SPC-2013-0196C, November 12th agenda, item 26
Attachments: SPC-2013-0196C 11-12-13.pdf



Dear Planning Commission Chair and Commissioners:

The attached pdf file contains my current communication for you regarding this case. If you would prefer to receive the contents in another format, please let me know.

Anne Young

On 10/20/2013 6:12 PM, Anne Young wrote:

Case Number: SPC-2013-0196C

Dear Planning Commission Chair and Commissioners:

The purpose of this message is to urge you to vote AGAINST the referenced project in its current form.

My neighbors and I have tried to carefully review the Conditional Use Permit site plan and proposed floor plan for this project. We have also asked many questions of the bar owner. And after evaluating all of the compiled information, we believe that the project in its current form will have a significant and extremely negative impact on us.

This property already has CS-1 zoning, though it is a site that is obviously ill suited for a bar. This section of Burnet Road has residential properties immediately adjacent to very shallow commercial properties. The properties have historically been used by businesses that are needed and supported by the surrounding community. And many of the businesses were owned by residents of our own neighborhoods. In fact, the subject property housed a longstanding Austin real estate company that was a solid and welcome part of the surrounding community.

The applicant has been successful in his drive to secure CS-1 zoning for a portion of the property included in his project. But that does not mean that he has the right to negatively impact a major portion of the properties around his. And CS-1 zoning in this instance requires a Conditional use Permit -- for the specific purpose of placing conditions on the project.

I am confident that you are well aware of the many conflicts between bars and nearby residents, so I won't belabor them here. And many of the conflicts will be created simply by the establishment of a bar in this location. But it is not necessary to *enlarge*

the disruption by thrusting a portion of the bar and its activities beyond the confines of the structure itself. And that is what the proposed deck areas of this project accomplish -- all within the area where we raise our families.

21

88 There will be no way of avoiding this project in its current condition. As we walk along Burnet Road with our kids to other family friendly businesses such as Hat Creek Burgers, how will we be able to avoid this bar? As we garden in our yards, how will we not jump at the deck crowd's roar for every football score? As we entertain at our homes, must our music choices be theirs? Should we have to listen to each and every amazing drum solo?

These are just examples of what we'll have to deal with... all day and into each night... every day and every night of each week. For we WILL hear the activities on these decks unless you help us. Unlike the bar patrons, we don't have the ability to simply leave. WE LIVE HERE.

This is your chance to stand-up for the Austin residents that live near this property. Please support us in our request to have the following conditions placed on this project.

- Revise Site Plan Note 24 (file attached again) to indicate a 1:00 a.m. closing time for Friday and Saturday, versus the 2:00 a.m. closing time that is currently indicated
- Prohibit all outdoor amplified sound
- Prohibit all live music
- Move any outdoor noise-generating activity inside by 8:00 p.m. each night
- Try to keep all exterior openings closed (such as doors, windows, etc.)
- Definitively close all exterior openings by 10:00 p.m. each night

I would be happy to answer questions regarding this request, and we look forward to hearing of your support for our position. We are relying on you.

Anne Young
Shoalmont Drive, Austin

Hearing Date: November 12, 2013
Agenda item: #26
Case: SPC-2013-0196C

22
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Dear Planning Commission Chair and Commissioners:

The purpose of this message is to urge you to vote AGAINST the Conditional Use Permit for the referenced project in its current form.

It is regretful to have to report to you that absolutely no progress has been made on this case. The applicant and owner have steadfastly refused to seriously consider our requests for conditions on this property, even though the City's case manager held a meeting on November 1st to try to promote communication between the parties. The applicant and owner were well aware of our concerns even before that meeting, yet they have not attempted to resolve them in any way.

You may hear from the applicant that limitations put upon the property/project at the time of the zoning change constitute a de facto CUP. That is not accurate. What you may not hear from the applicant is that he refused to work with the neighbors and Neighborhood Associations during that process also. In fact, he waited until the very last moment to negotiate with only a few random early attendees waiting at City Hall on the evening of the last, closed hearing for the zoning change. The Brentwood Neighborhood Association and the Allandale Neighborhood Association were both on record as opposing the zoning change. Yet neither was represented during those last minute, flurried, and hidden negotiations.

The result? A minimum set of restrictions were placed on the property in order to secure the zoning change, with the understanding that they would be built-upon during the CUP approval process.

Neighbors who protested the zoning change were assured repeatedly by Commissioners and Council members that rigorous conditions could be placed on this property during the CUP process - conditions that would strive to protect the surrounding neighbors. The applicant would like to ignore those assurances. We believed in the assurances. We believe in the system, and we believe that the Planning Commission is the proper group to place the needed limitations on this property.

My earlier message to you (attached) outlines some of my concerns about the CUP, and I will not reiterate them here. Instead, let me review a few of the reasons this is a totally unsuitable location for a bar.

1. It is within several hundred feet of numerous Brentwood and Allandale homes and is, in fact, directly across Clay Avenue from residences.

Hearing Date: November 12, 2013

Case: SPC-2013-0196C

2. Its northern property line is shared with Next To New, part of the Episcopalian ministry.

Web site excerpts:

Next-to-New Shop of St. David's Episcopal Church, a consignment shop and outreach ministry sponsored by St. David's Parish.

Next-To-New is a tax-exempt corporation pursuant to Section 501(c)(3) of the Internal Revenue Code and operates exclusively for religious, charitable, and educational purposes.

3. It is located diagonally across the street from a treatment center for Seton Shoal Creek Hospital.

5407 Clay Avenue

Mission statement excerpts:

Our mission inspires us to care for and improve the health of those we serve with a special concern for the poor and the vulnerable. We are called to be a sign of God's unconditional love for all and believe that all persons by their creation are endowed with dignity.

Treats inpatients or outpatients who may be experiencing emotional and/or substance abuse difficulties.

4. It is located at an intersection without a traffic signal, yet the intersecting street is a main thoroughfare for students and families traveling to and from McCallum High School. Little Woodrow's starts Happy Hour at 3:00 p.m. on weekdays. By the time students leave campus, the daily Happy Hour will be in full swing.

5. It is located one block south of a traffic signal that is being installed at the intersection of Burnet Road and Shoalmont Drive.

- a. This will greatly increase the number of inebriated drivers on Allandale streets. (Little Woodrow's is already included in the Top Ten DWI bars in Austin.)
- b. Studies have shown that drunk patrons most often choose to drive on quiet neighborhood streets when leaving bars, since police officers are more likely to be found on the nearby commercial streets.

6. It is located directly across the street from The Little Longhorn Saloon.

- a. Parking that is currently utilized by Saloon patrons will now be overrun with Little Woodrow's patrons and even more Saloon patrons will be forced to drive and to park along Allandale streets - the same streets that often have no sidewalks or even curbs.
- b. Numerous pedestrian Saloon patrons already cross Burnet Road accessing their parked cars at the Nelson Puett building or Next To New. Patrons from multiple bars (sometimes inebriated) will now be encouraged to jeopardize their safety by attempting that crossing.

Barton-Holmes, Christine

From: dmintztx@yahoo.com
Sent: Friday, November 08, 2013 3:59 PM
To: Barton-Holmes, Christine
Subject: Comments re: Little Woodrow's CUP
Attachments: ANA_woodrows_CUP.pdf



Please see the attached comments regarding the conditional use permit for Little Woodrow's proposed location at 5425 Burnet Road.

Sincerely,

David Mintz
President
Allandale Neighborhood Association

25

7. It is located across Burnet Road from single story buildings on shallow lots that share back property lines with residential properties.
 - a. Among the renovations planned by the applicant is the addition of outdoor decking with televisions and/or a speaker system on the Burnet Road side of the existing building.
 - b. The renovation plans also include multiple "garage doors" opening the interior space directly onto the decks. The decks will completely span the area between the building and the sidewalks along the Burnet Road parking, with the exception of an area directly around an existing Heritage Live Oak tree.
 - c. According to the applicant, the garage doors will be fully open and the televisions/ speaker system completely operational the entire time the bar is open for business - even until 2:00 a.m.

Over the past few weeks, my neighbors and I have reviewed for you some of the huge impacts that this new bar will have on the surrounding property owners. Both the Allandale Neighborhood Association and the Brentwood Neighborhood Association still oppose the creation of a bar in this location as it is currently proposed. But we have recently worked successfully with another bar in this area to develop an agreement to set conditions on the bar operation that make it a more welcome part of the neighborhood. In that situation, the owner group actually understands the significant impacts that their bar has on the surrounding neighbors and chooses to act responsibly. This applicant does not.

The applicant's intention to force his "one size fits all" business model on our narrow section of Burnet Road must not be allowed to proceed. At the very least, please require the following conditions prior to approving any CUP for the property.

1. Limit the bar size to 2,495 square feet, as currently proposed.
2. Revise Site Plan Note 24 to indicate a midnight closing time for Thursday and a 1:00 a.m. closing time for Friday and Saturday.
 - a. The applicant presents his business on Barton Springs Drive as the best example of his willingness to work with neighbors. The closing times for that location are consistent with those outlined in this revised condition.
 - b. Other business establishments within this section of Burnet Road have already agreed to eliminate 2:00 a.m. closing times. This revised condition also brings the proposed Little Woodrow's bar into compliance.
3. Prohibit all outdoor audio and/or visual equipment except those for personal and/or security purposes.
4. Require high-quality security video of all Bar areas during all hours of operation, which will be retained for a minimum of four weeks.

09.
Hearing Date: November 12, 2013

26
Case: SPC-2013-0196C

5. Prohibit all live music
 - a. The applicant has stated on several occasions that this requirement is already part of the proposed CUP. This brings the CUP in line with his statements, while helping to address neighborhood noise concerns.
6. Prohibit any outdoor noise-generating activity after 8:00 p.m.
7. Close exterior openings of the building at 10:00 p.m. (such as doors, windows, "garage doors", movable walls, etc.)
8. Limit outdoor trash and recycling activities (dumping, pick-up times, etc.) to between 9:00 a.m. and 6:00 p.m.
9. Require an on-site off-loading/loading zone to accommodate activities such as truck deliveries.

Thank you for considering my request, and please contact me if I can answer any questions regarding it.

Anne Young
Shoalmont Drive, Austin
512.657.5323



27

Allandale Neighborhood Association • P.O. Box 10886 • Austin, Texas 78766

November 8, 2013

Christine Barton-Holmes, LEED AP
Senior Planner, Land Use Review
City of Austin Planning & Development Review Dept.
One Texas Center
505 Barton Springs Rd., 4th Flr.
Austin, TX 78704

Re: SPC-2013-0196C

Dear Ms. Barton-Holmes,

The Executive Committee of the Allandale Neighborhood Association (ANA) met on November 6 and passed a motion requesting that the Planning Commission deny granting a Conditional Use Permit (CUP) for the Little Woodrow's location at 5425 Burnet Road, unless the CUP includes the following provisions:

1. Revise Site Plan Note 24 to indicate a midnight closing time for Thursday and a 1:00 a.m. closing time for Friday and Saturday (please see currently proposed site plan, attached).
2. Prohibit all outdoor audio and/or visual equipment except those for personal and/or security purposes.
3. Require high-quality security video of all Bar areas during all hours of operation, which will be retained for a minimum of four weeks.
4. Prohibit all live music.
5. Prohibit any outdoor noise-generating activity after 8:00 p.m.
6. Close exterior openings of the building at 10:00 p.m. (such as doors, windows, "garage doors", movable walls, etc.).
7. Limit outdoor trash and recycling activities (dumping, pick-up times, etc.) to between 9:00 a.m. and 6:00 p.m.
8. Require an on-site off-loading/loading zone to accommodate activities such as truck deliveries.

We appreciate that the bar owner and property owner met with neighbors and city staff on November 1 to discuss concerns about the bar. While the ANA Executive Committee had not taken a position on the CUP at that time and were not formally represented in those discussions, we are open to participating in future meetings and hope that we can work together with other stakeholders to reach an amicable settlement.

Sincerely,

David Mintz
ANA President
512-626-0113, dmintztx@yahoo.com



Barton-Holmes, Christine

From: Kata Carbone <kata@utexas.edu>
Sent: Tuesday, October 22, 2013 3:42 AM
To: Barton-Holmes, Christine
Subject: Fwd: SPC-2013-0196C, Little Woodrow's on Burnet Road
Attachments: PCform.jpg

Follow Up Flag: Follow up
Flag Status: Flagged

LB
29

----- Forwarded message -----

From: **Kata Carbone** <kata@utexas.edu>
Date: Tue, Oct 22, 2013 at 3:38 AM
Subject: SPC-2013-0196C, Little Woodrow's on Burnet Road
To: bc-Dave.Anderson@austintexas.gov, bc-Alfonso.Hernandez@austintexas.gov, bc-Jean.Stevens@austintexas.gov, bc-Danette.Chimenti@austintexas.gov, bc-Jeff.Jack@austintexas.gov, bc-James.Nortey@austintexas.gov, bc-Stephen.Oliver@austintexas.gov, bc-Brian.Roark@austintexas.gov, bc-Myron.Smith@austintexas.gov
Cc: christine.bartonholmes@austintexas.gov

City of Austin Planning Commission

Re: SPC-2013-0196C, Little Woodrow's on Burnet Road

Dear Commissioners,

When they heard about plans to open a Little Woodrow's on Burnet Road, folks near the Little Woodrow's on Parmer Lane felt sorry for us.

Burnet Road is not an office district or a warehouse district. And it's not a bar crawl district, despite the occasional "keepin'-it-weird" group slumming it from the Little Longhorn up to Buddy's Place. Establishments with outdoor patios equipped with big-screen TVs, loudspeakers for amplified music, and a 2:00 a.m. closing time don't belong here---they belong in places where people don't live. Anyone who lives within a few blocks of a stealth dorm in a single-family neighborhood will attest to the disruption caused by a dozen alcohol-fueled boys hooting and hollering out on their back patio in the middle of the night. Why give a bar a license to disrupt an entire neighborhood?

Our vision for an improved Burnet Road corridor does not include turning it into a bar district---a North 6th Street or a FarNoCo. There are long-established neighborhoods adjacent to Burnet Road. These are homes with families whose kids need to get to sleep early, and adults who need to get up early because they work 9 to 5, and older people who deserve some tranquility because of all those years of getting their kids to bed early and getting up early to go to work.

30

Residents love being able to do business in their own neighborhoods and eagerly anticipate new eateries. However, the Little Woodrow's normal business model is not a good fit. Imposing the following conditions will make Little Woodrow's a better fit:

- * Revise Site Plan Note 24 to indicate a 1:00 a.m. closing time on Friday and Saturday.
- * Confine all noise (amplified sound, music, TV, loudspeakers, hooting and hollering) indoors at all times.

Please help us strike a balance that enables a thriving business community while still maintaining our residential quality of life.

Sincerely,

Kata Carbone
Allandale

PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

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A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

A zoning ordinance amendment may include a conditional overlay which would include conditions approved by the Land Use Commission or the City Council. If final approval is by a City Council's action, there is no appeal of the Land Use Commission's action.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (*it may be delivered to the contact listed on a notice*); or
- appearing and speaking for the record at the public hearing;

and:

- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 14 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: www.austintexas.gov/development.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice.

Case Number: SPC-2013-0196C

Contact: Christine Barton-Holmes, 512-974-2788

Rosemary Ramos, 512-974-2784

Public Hearing: Planning Commission, Oct 22, 2013

KATA CARBONE

Your Name (please print)

ALLAN DALE NA.

Your address(es) affected by this application

22 Oct. 13

Date

Signature
512.454-6571

Daytime Telephone:

Comments:

Please see Attached.

Charles.

If you use this form to comment, it may be returned to:

City of Austin

Planning and Development Review - 4th floor

Christine Barton-Holmes

P. O. Box 1088

Austin, TX 78767-8810

31

Barton-Holmes, Christine

From: Andrea <apully@sbcglobal.net>
Sent: Monday, October 21, 2013 10:50 PM
To: Barton-Holmes, Christine
Subject: Case SPC 2013 0196C
Attachments: photo.JPG; ATT00001.txt

Handwritten signature and initials in black ink, located in the top right corner of the email header area.

Follow Up Flag: Follow up
Flag Status: Flagged

My protest form w/l object.

PUBLIC HEARING INFORMATION

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and

- occupies a primary residence that is within 500 feet of the subject property or proposed development;

- is the record owner of property within 500 feet of the subject property or proposed development; or

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Case Number: SPC-2013-0196C

Contact: Christine Barton-Holmes, 512-974-2785

Rosemary Ramon, 512-974-2784

Public Hearing: Planning Commission, Oct 22, 2013

Anshu Pully

Your Name (please print)

5511 Montview St.

Your address(es) affected by this application

Anshu E. Pully

Signature

Daytime Telephone: _____

Date

10/21/13

Comments: I object to the conditional
use permit for the reasons
in my e-mail.

Thank you!

If you use this form to comment, it may be returned to:

City of Austin

Planning and Development Review - 4th floor

Christine Barton-Holmes

P.O. Box 1008

Austin, TX 78767-3810

[Signature]

Barton-Holmes, Christine

From: Sam Shore <seshore@gmail.com>
Sent: Monday, October 21, 2013 9:10 PM
To: Barton-Holmes, Christine
Subject: Little Woodrow's Conditional Use Permit

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Christine,

Below is a letter I have sent to each Planning Commissioner. I wanted you to be aware of it when this case comes up for review.

I am a resident who lives on Adams Ave in the home closest to Burnet Road and just down the street from a soon-to-be-occupied 179-unit apartment complex - Burnet Flats. The area in the immediate vicinity is being bombarded by new growth that is changing the "livability" of the neighborhood for families with children. There is very little buffering between commercial and residential properties along this stretch of Burnet Road and this must be considered with the new developments.

In the last few months, projects that primarily serve alcohol and that are requesting late night hours of operation have sprung up along the 5500 block of Burnet and representing a bar district that is incompatible with the surrounding neighborhoods. Please read the information below which in part represents the views of us in the neighborhood that want a sustainable family environment within the central Austin area.

I am writing regarding the Little Woodrow's project and to ask for the following conditions:

- n Prohibit all outdoor amplified sound
- n Move any outdoor noise-generating activity inside by 8:00 p.m. each night
- n Try to keep all exterior openings closed (such as doors, windows, etc.)
- n Close all exterior openings by 10:00 p.m. each night

These conditions are important, for the following reasons:

- n Our community has a child-friendly growth vision for Burnet Rd. We call it 'live-work-play-sleep.' Neighborhood associations along Burnet endorse this vision. Both Burnet itself at this location, and the streets behind it on both sides, should be part of a 'transition zone' with housing suited to families, seniors, or anyone else.
- n The City of Austin Comprehensive Plan endorses our child-friendly vision. Imagine Austin calls repeatedly for mixed use infill suitable to all ages. Growth along Burnet is intended to integrate seamlessly into our existing community, indeed become the pedestrian center of our community.
- n We are engaged in implementing this vision. Area residents have planted over 100 trees on Burnet and obtained funding for child-safe pedestrian amenities. We have widely communicated our vision, including to Mr. Engel.
- n We are engaged in getting age-diverse housing. Right now, mainly efficiency and one-bedroom units that exclude families are getting built on Burnet, due to short-term market pressure and inadequate zoning rules. The resulting concentration of young adults draws services suited to young adults. These same trends near downtown are pushing children out. We are working with city planners to develop age-diverse zoning and other policies for areas several miles from downtown.
- n Not bars, but late-night bar districts, undermine a child-friendly environment. Experience on corridors like South Congress suggest that a concentration of several bars or restaurants that serve alcohol late at night leads to noise and behavioral problems for adjacent residents. These are problems especially challenging for children and seniors, who perform poorly when regularly over-stimulated or deprived of a good night's sleep.
- n Multiple late-night alcohol venues constitute a bar district. Ginny's Little Longhorn Saloon, across from the Little Woodrow's site, already has a late night liquor license. Another new venue across Burnet, Taco Flats, requested one. When Little Woodrow's obtained its CS-1 zoning in January, we expressed concern with this part of Burnet becoming a bar district that would create a permanent risk of late night noise and behavioral problems, disruptive to

children and other long-term residents. City Council rejected this argument because they didn't see one late-night bar as constituting a district. With multiple venues seeking late-night liquor sales, it becomes harder to ignore the trend. There are better places for bar districts nearby. Anderson Ln west of Burnet is buffered from age-diverse neighborhoods. Other better-suited areas include Highland Mall, North Burnet Gateway, and Downtown itself.

35

Our child-friendly vision for Burnet Rd is an exciting and credible one. It adds diversity to Austin's urban core. It serves middle managers, generally in their child-rearing years, who are needed throughout our knowledge-based economy. It works well for seniors and young adults too. Other successful cities like Boston, Dallas or Seattle have child-friendly neighborhoods 3-7 miles from downtown. Please help us to achieve our positive vision for our community. Safeguard a future Burnet that works for residents of all ages.

Thank you,

Sam Shore
5614 Adams Ave
Austin, TX 78756

512-940-8614

PUBLIC HEARING INFORMATION

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- appearing and speaking for the record at the public hearing; and:
- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 14 days after the decision. An appeal form may be available from the responsible department.

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Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice.

Case Number: SPC-2013-0196C

Contact: Christine Barton-Holmes, 512-974-2788

Rosemary Ramos, 512-974-2784

Public Hearing: Planning Commission, Oct 22, 2013

Chris Hayden

Your Name (please print)

5406 Montview St Austin, TX 78756

Your address(es) affected by this application

CHM

10-21-13

Date

Signature

Daytime Telephone: 512-773-1094

Comments: Admin and business office in parking

Calculations should be included with the cost of

lounge. This would place the bar above 2,500

square feet and change the parking requirements

from 1/100 sq ft to 1/50 sq ft, and there

would not be enough parking available. They

would be over the spaces provided.

Houses not compatible with single family homes. Use of

out door amplified

Sound is not

acceptable after

8pm.

36

Barton-Holmes, Christine

37

From: Chris Hayden <chayden1966@gmail.com>
Sent: Monday, October 21, 2013 8:08 PM
To: Anderson, Dave - BC; Hernandez, Alfonso - BC; Stevens, Jean - BC; Chimenti, Danette - BC; Jack, Jeff - BC; Nortey, James - BC; Oliver, Stephen - BC; Roark, Brian - BC; Smith, Myron - BC; Barton-Holmes, Christine; mnrghatfield@yahoo.com
Subject: Case Number: SPC-2013-0196C
Attachments: SPC-2013-0196C Protest.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Planning Commission Chair, Commission Members and city of Austin staff,

This email is to protest the Conditional Use Permit (Case Number SPC-2013-0196C – Little Woodrow's on Burnet Road) which is item # 12 on your October 22nd, 2013 agenda. I ask that you vote against the Conditional Use Permit in its current form. I want to address two of reasons why the permit should be rejected.

1. I live a short distance from 5425 Burnet Road in Allandale. As you know, Allandale is a vibrant area in central Austin with families living primarily in single family homes. A late night cocktail lounge is not compatible with the neighborhood. The current plan has two outdoor decks and what appears to several openings from the inside bar to the outside. As I stated, this is a family friendly neighborhood and late night sound, both from patrons and the proposed outdoor televisions and speakers is not acceptable. The late night noise would have a negative impact on the neighborhood.
2. The off street parking calculation does not include the office inside the cocktail lounge in the square feet of the establishment. It is part of the cocktail lounge and should be accounted for accordingly. When the 587 square foot of the office is added to the 1,830 square foot of the indoor space and the 657 square foot of the outdoor space, the total square foot for the cocktail lounge is 3,074. Per the city codes, the parking requirements for a cocktail lounge greater than 2,500 square foot is 1 parking space per 50 square foot. Therefore there is not enough off street parking available to meet city requirements.

Please vote against the permit in its current form. The following items should be changed in the site plan notes (Note 24). They are as follows:

The establishment should close at midnight Sunday through Wednesday, close at 1 AM Thursday through Saturday (not 2 AM).

Outdoor amplified sound is prohibited, live music is prohibited, move outdoor noise generating activity (decks) by 8 PM each night

Keep doors and windows closed as much as possible

Close all doors and windows by 10 PM each night

I do not object to a cocktail lounge, but I do object to the cocktail lounge in its current form (late night hours

and outdoor noise) before the Planning Commission. The plan, as the applicant has submitted, is not compatible with the Allandale and Brentwood family friendly neighborhoods. We live here and the ask that you vote against the permit as requested and make the changes I requested above. I am also attaching my protest form. Thank you for your time and consideration.

Chris Hayden 5406 Montview St

38

Barton-Holmes, Christine

From: Dale Henry <dlhenry@austin.rr.com>
Sent: Monday, October 21, 2013 7:56 PM
To: Barton-Holmes, Christine
Subject: Fw: [brentwood-na] Fw: NEED YOUR HELP restricting late-night hours, noise for Little Woodrow's bar on Burnet

39

Follow Up Flag: Follow up
Flag Status: Flagged

Christine,

I live in The Houstonian, at Houston and Jeff Davis, and plan to attend the meeting Tuesday night. I'll also send a letter to the parties listed in your email. My feelings about a Little Woodrow's (LW) are outlined here.

The idea of a bar 2 blocks up the street is horrifying. We already have drunk drivers tearing down Houston at night and certainly don't need more: The week before last, a very likely drunk driver ran over our trash can, *which was right up against the curb*, at 2:30am, scattering trash everywhere--not the first incident of its kind.

In my opinion, even 1am is too late a closing time. Lucy's, which has a full bar, closes at 11pm, which seems to serve the immediate neighborhood just fine. Likewise, a number of other places within walking distance serve alcohol but close before midnight. I see no reason to have a later closing time for LW, especially as there is no bus service to accommodate intoxicated patrons so late.

Noise will, of course, be exponentially worse with a bar on the corner. To give you an idea of how much noise from Burnet already permeates the neighborhood: noise from Burnet (e.g., the #3 bus's recorded announcement and the stereo that Arbor Auto mechanics sometimes play after hours with the garage door open) *carries the 2 blocks down to my home and can be heard indoors even with all the doors and windows closed*. Compounding these occasional/ intermittent nuisances with a bar open late at night and, *ridiculously*, having outdoor seating and entertainment is an enormous burden on the people who live (and attempt to sleep!) in this neighborhood. Just the additional traffic coming down Houston--which, having no speed bumps and only a couple (often ignored) stop signs is already a popular route for speeders--will add considerably to noise at night.

Moreover, there will doubtless be a burden on the police department to dispatch officers to catch drunk drivers and answer noise and disorderly conduct complaints in this area of town that has heretofore seen little of such activities. This takes police resources from areas that already have a concentration of bars and require a police presence.

I unequivocally oppose the establishment of this business on Burnet and hope the commission, if now powerless to prohibit it, will at least *do everything possible to mitigate its impact on the neighborhood* by curtailing outdoor activity at this business and restricting hours to no later than midnight.

Jackie Doyle

Sent from my iPad

On Oct 19, 2013, at 10:35 PM, "Dale Henry" <dlhenry@austin.rr.com> wrote:

Dear neighbors,

Please consider 1) writing Planning Commission and 2) attending the PC meeting on Tuesday evening to protest late night hours and outdoor noise at the Little Woodrow's bar at 5425 Burnet. Please let me know if you can attend, and I'll let you know the meeting details.

Please consider forwarding this request to other people, especially Gullett or Brentwood parents who live south of 2222, who might consider supporting it. I can send you a list of Gullett parents if you might know some of them.

It has been a busy year for late-night bar zoning and license requests around the 5500 block of Burnet near the new luxury apartment complexes. We have had three: 1) Ginnys Little Longhorn Saloon has remodeled and is requesting to renew its existing late night license; 2) a new restaurant called Taco Flats requested a late night mixed beverage license; 3) the Little Woodrow's bar received CS-1 zoning and is now seeking late night hours as part of its conditional overlay request to Planning Commission.

The Little Woodrow's conditional overlay request going to Planning Commission would permit them to remain open until 2 AM on Fridays, Saturdays and holidays. Their proposed site design incorporates outdoor features that include TVs, speakers, and possibly live music. Neighbors have compiled a list of conditions that they want placed on the bar. These items are included in my letter to Planning Commission below.

WE NEED TO PREVENT LATE-NIGHT BAR DISTRICTS FROM FORMING ON BURNET. If a late-night bar district becomes established at 5500 Burnet, the precedent will make it more challenging to prevent similar uses elsewhere along Burnet. The bar district issue directly threatens the vision of a Burnet that works for people of all ages, and especially for children.

Below is my letter to Planning Commission and staff, which you are welcome to use as a template. The emails of planning commissioners and the staff person on the case are provided.

If you can attend the Planning Commission meeting, let me know so we can coordinate. You can either speak or donate your time to others. Attending the meeting is particularly effective because commissioners can see you and judge your strong interest. But writing letters is also important.

Let me know if you have any questions. Thank you so much for considering this request. I know how much personal time civic engagement can take from your loved ones.

Steven

Commissioners:

bc-Dave.Anderson@austintexas.gov
bc-Alfonso.Hernandez@austintexas.gov
bc-Jean.Stevens@austintexas.gov
bc-Danette.Chimenti@austintexas.gov
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bc-Stephen.Oliver@austintexas.gov
bc-Brian.Roark@austintexas.gov
bc-Myron.Smith@austintexas.gov

41

CoA case manager

Christine.Barton-Holmes@austintexas.gov

October 19, 2013

SPC-2013-0196C

Little Woodrow's on Burnet Rd

Dear

I am writing to protest the Little Woodrow's project in its current form and ask for the following conditions:

- Revise Site Plan Note 24 (file attached again) to indicate a 1:00 a.m. closing time for Friday and Saturday, versus the 2:00 a.m. closing time that is currently indicated
- Prohibit all outdoor amplified sound
- Prohibit all live music
- Move any outdoor noise-generating activity inside by 8:00 p.m. each night
- Try to keep all exterior openings closed (such as doors, windows, etc.)
- Definitively close all exterior openings by 10:00 p.m. each night

These conditions are important, for the following reasons:

42

■ **Our community has a child-friendly growth vision for Burnet Rd.** We call it 'live-work-play-sleep.' Neighborhood associations along Burnet endorse this vision. Both Burnet itself at this location, and the streets behind it, should be part of a 'transition zone' with housing suited to families, seniors, or anyone else.

■ **The City of Austin Comprehensive Plan endorses our child-friendly vision.** Imagine Austin calls repeatedly for mixed use infill suitable to all ages. Growth along Burnet is intended to integrate seamlessly into our existing community, indeed become the pedestrian center of our community.

■ **We are engaged in implementing this vision.** Area residents have planted over 100 trees on Burnet and obtained funding for child-safe pedestrian amenities. We have widely communicated our vision, including to Mr. Engel.

■ **We are engaged in getting age-diverse housing.** Right now, mainly efficiency and one-bedroom units that exclude families are getting built on Burnet, due to short-term market pressure and inadequate zoning rules. The resulting concentration of young adults draws services suited to young adults. These same trends near downtown are pushing children out. We are working with city planners to develop age-diverse zoning and other policies for areas several miles from downtown.

■ **Not bars, but late-night bar districts, undermine a child-friendly environment.** Experience on corridors like South Congress suggest that a concentration of several bars or restaurants that serve alcohol late at night leads to noise and behavioral problems for adjacent residents. These are problems especially challenging for children and seniors, who perform poorly when regularly over-stimulated or deprived of a good night's sleep.

■ **Multiple late-night alcohol venues constitute a bar district.** Ginny's Little Longhorn Saloon, across from the Little Woodrow's site, already has a late night liquor license. Another new venue across Burnet, Taco Flats, requested one. When Little Woodrow's obtained its CS-1 zoning in January, we expressed concern with this part of Burnet becoming a bar district that would create a permanent risk of late night noise and behavioral problems, disruptive to children and other long-term residents. City Council rejected this argument because they didn't see one late-night bar as constituting a district. With multiple venues seeking late-night liquor sales, it becomes harder to ignore the trend.

■ **There are better places for bar districts nearby.** Anderson Ln west of Burnet is buffered from age-diverse neighborhoods. Other better-suited areas include Highland Mall, North Burnet Gateway, and Downtown itself.

Our child-friendly vision for Burnet Rd is an exciting and credible one. It adds diversity to Austin's urban core. It serves middle managers, generally in their child-rearing years, who are needed throughout our knowledge-based economy. It works well for seniors and young adults too. Other successful cities like Boston, Dallas or Seattle have child-friendly neighborhoods 3-7 miles from downtown. Momentum is building for this vision. But we need time. Please help us to achieve our positive vision for our community. Safeguard a future Burnet that works for residents of all ages.

Thank you,

Steven Zettner

President, Sustainable Neighborhoods of North Central Austin

www.snaustin.org

43

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Steven Zettner
Sustainable Neighborhoods of North Central Austin
www.snaustin.org



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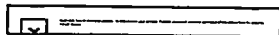
- **New Members 2**
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Post only messages which are of a general interest to people in the Brentwood Neighborhood.
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44

Barton-Holmes, Christine

From: Dale Henry <dlhenry@austin.rr.com>
Sent: Monday, October 21, 2013 7:52 PM
To: Barton-Holmes, Christine
Subject: Little Woodrow's use permit

Follow Up Flag: Follow up
Flag Status: Flagged

Christine,
The Brentwood Neighborhood Steering Committee voted to oppose Little Woodrow's request for a change in use permit. This location is the problem, It is too close to single family homes and the lack of parking.

Thanks,
Dale Henry
President Brentwood Neighborhood Association



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Barton-Holmes, Christine

From: Barbara McArthur <mca@astro.as.utexas.edu>
Sent: Monday, October 21, 2013 3:11 PM
To: Barton-Holmes, Christine; Barbara McArthur
Subject: Re: Little Woodrow's - SPC-2013-0196C
Attachments: littlewoodrowsproximityhouse2.jpg

45

Follow Up Flag: Follow up
Flag Status: Flagged

Thank you very much Christine. The attached photo shows how close the bar is the homes. The red brick is the bar building.

Barbara

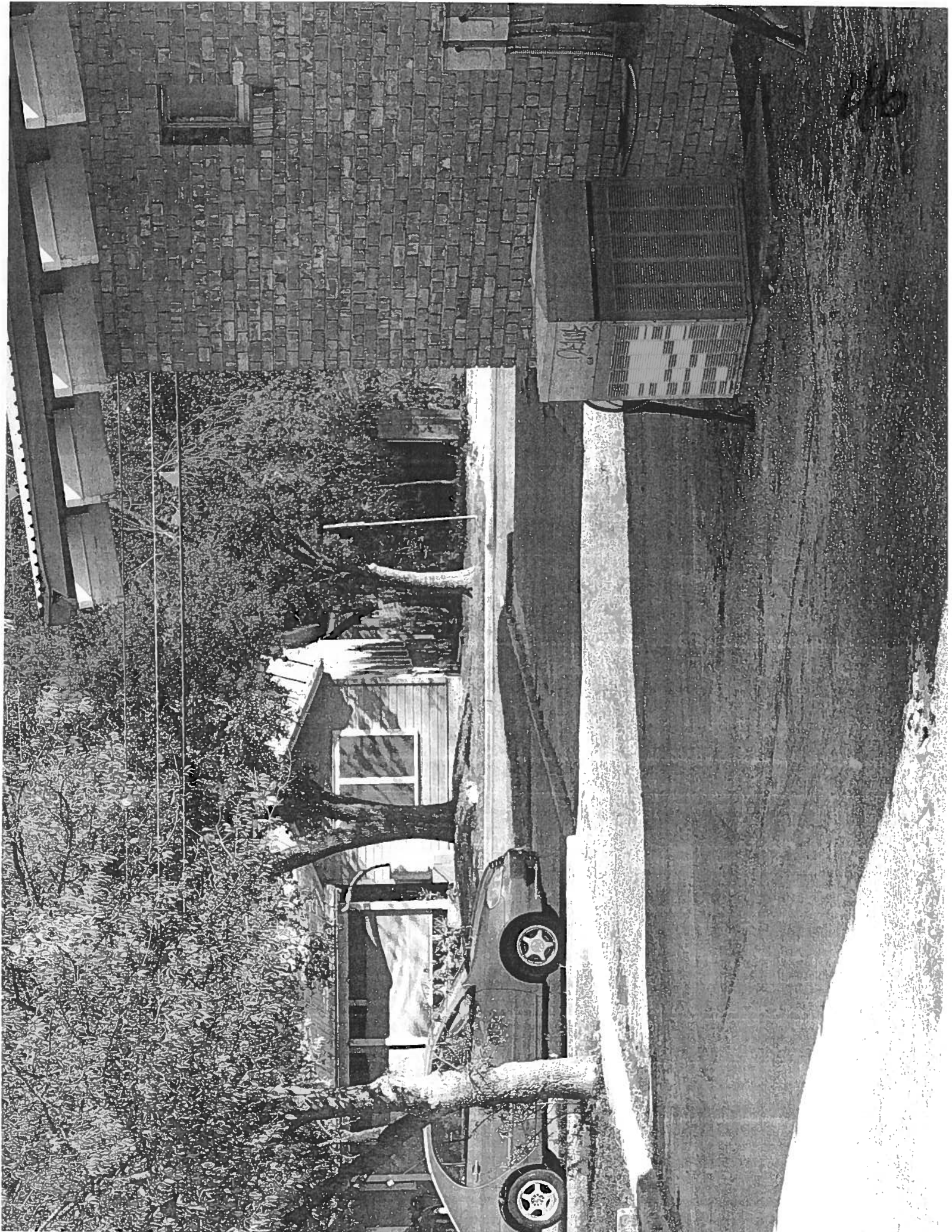
On 10/21/13 2:53 PM, Barton-Holmes, Christine wrote:

Barbara,

I've asked the applicant for a clarification. As soon as I hear something, I'll let you know.

Thank you,

Christine



Barton-Holmes, Christine

From: Barbara McArthur <mca@astro.as.utexas.edu>
Sent: Monday, October 21, 2013 2:31 PM
To: Barton-Holmes, Christine; Barbara McArthur
Subject: FYI - petition
Attachments: LittleWoodrowpetitionS.pdf

47

Follow Up Flag: Follow up
Flag Status: Flagged

Christine -

FYI I've attached the petition that the neighborhood had collected against the Little Woodrow's Bar Zoning for your records.

Thank you once again for your time and consideration - it is appreciated.

Barbara McArthur

Our Support – Neighbors & Small Business

Please support the Brentwood and Allendale Neighborhood Associations and these local residents and small businesses and deny this rezoning.

[illegible][illegible][illegible]

48

Barton-Holmes, Christine

From: Timothy Fackler <tim.fackler@gmail.com>
Sent: Monday, October 21, 2013 1:37 PM
To: Barton-Holmes, Christine
Subject: Fwd: SPC-2013-0196C 22OCT2013 Planning Commission Hearing
Attachments: coa_notice_protest.pdf

49

Follow Up Flag: Follow up
Flag Status: Flagged

Subject: SPC-2013-0196C 22OCT2013 Planning Commission Hearing

To: bc-myron.smith@austintexas.gov, bc-brian.roark@austintexas.gov, bc-stephen.oliver@austintexas.gov, bc-james.nortey@austintexas.gov, bc-jeff.jack@austintexas.gov, bc-danette.chimenti@austintexas.gov, bc-jean.stevens@austintexas.gov, bc-alfonso.hernandez@austintexas.gov, bc-dave.anderson@austintexas.gov, mnrghatfield@yahoo.com, christin.barton-holmes@austintexas.gov

Dear Planning Commission Members and Staff,

I write to share my objection to the proposed conditional use permit to be addressed in Case Number SPC-2013-0196C 22OCT2013.

I respectfully request that, before it is considered for approval, the site plan notes for this proposed project be modified to include the provisions below addressing hours of operation, noise, and traffic. With these provisions in place, the site plan will better fit the physical limitations of the location and the pedestrian and residential character of the surrounding neighborhoods.

- require 1 am closing on Friday and Saturday rather than the current 2 am provision
- move outdoor noise-generating activity inside each night by 8 pm
- close doors, windows and other interior outlets each night by 10 pm
- prohibit outdoor live music
- prohibit outdoor amplified sound
- prohibit street deliveries
- calculate parking based on liquor-storage as well as liquor-serving areas

My residential and business neighbors have provided extensive reasons for changing the conditional use permit to include these provisions.

Among these I'd like to emphasize in particular the risks to public safety posed by substantially increased vehicular traffic from bar patrons on Burnet Road as well as on residential side streets in the area. For example, the street on which I live, Montview, lacks sidewalks for part of its length and has no posted speed limits or speed-limiting devices such as road humps. Yet it carries steady pedestrian traffic during the 6 am to 1 am hours of operation of the HEB grocery at Burnet and Koenig.

The site plan restrictions I've listed above will, I believe, help extend a climate of commercial responsibility in the area consistent with its essentially residential character.

PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

A zoning ordinance amendment may include a conditional overlay which would include conditions approved by the Land Use Commission or the City Council. If final approval is by a City Council's action, there is no appeal of the Land Use Commission's action.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (it may be delivered to the contact listed on a notice); or
- appearing and speaking for the record at the public hearing;

- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 14 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: www.austintexas.gov/development.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice.

Case Number: SPC-2013-0196C
Contact: Christine Barton-Holmes, 512-974-2788
Rosemary Ramos, 512-974-2784
Public Hearing: Planning Commission, Oct 22, 2013

Timothy Fackler
Your Name (please print)

5601 Montview St. 78756

Your address(es) affected by this application

Timothy Fackler
Signature

10/19/2013
Date

Daytime Telephone: 512-694-4928

Comments: (see email)

☐ I am in favor
☒ I object

If you use this form to comment, it may be returned to:

City of Austin
Planning and Development Review - 4th floor
Christine Barton-Holmes
P. O. Box 1088
Austin, TX 78767-8810

50

51

Barton-Holmes, Christine

From: Libby Farris <lfarris@grandecom.net>
Sent: Monday, October 21, 2013 11:49 AM
To: Myron.Smith@austintexas.gov; Brian.Roark@austintexas.gov;
Stephen.Oliver@austintexas.gov; James.Nortey@austintexas.gov;
Jeff.Jack@austintexas.gov; Danette.Chimenti@austintexas.gov;
Jean.Stevens@austintexas.gov; Alfonso.Hernandez@austintexas.gov;
Dave.Anderson@austintexas.gov; Barton-Holmes, Christine
Subject: Little Woodrow's zoning change

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Commissioners

As a resident of Brentwood, I am writing to ask that you not support Little Woodrow's request for variances on their establishment. Specifically I am opposed to allowing:

Outdoor live music, amplified or not
Late hours extension

I am greatly concerned that allowing this development sets a precedent that could very quickly precipitate Burnet Road becoming a nightclub zone with all the resulting parking, trash, late night disturbances and other related circumstances that would have a negative impact on the surrounding family neighborhood. There is very little physical space between commercial zones on this section of Burnet and the nearby residential street.

This neighborhood as it currently exists is one of Austin's true inner-city treasures. Some of the city's last affordable older homes in Brentwood and Crestview are sought-after by young families. There are lots of older affordable apartments, albeit under threat from redevelopment, but still quite a lot. To get a feel for the diverse demographic of this neighborhood, a visit to the Allendale HEB will immediately demonstrate the equitable mix of working class folks, young hipsters, Lone Star card users, and seniors.

From my home on Aurora Drive I can easily walk to groceries, restaurants, hair salons, coffee shops, drug stores, library, book stores, vets, and more. I would hate to see a Rainey Street-like club zone take over Burnet, driving up the rents and making it harder for mom-and-pop outfits to compete.

Please stick to the Austin Comprehensive Plan and keep our neighborhood a vibrant family-friendly community.

Thanks

Libby Farris
5410 Aurora Dr

Barton-Holmes, Christine

52

From: cathy davis <ccdavisphd@gmail.com>
Sent: Monday, October 21, 2013 9:43 AM
To: Barton-Holmes, Christine
Subject: Case Number SPC-2013-0196C
Attachments: CoA Notice - Little Woodrows (1)-signed.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Ms. Barton-Holmes,

I am protesting the zoning request for Little Woodrows, case number SPC-2013-0196C. Please see my comments on the city's form attached. I won't be able to attend this evenings hearing, but would like my comments to be heard.

Thank you very much,
Catherine Davis

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